



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: November 3, 2011

CBCA 2054

LOCKHEED MARTIN ASPEN MED SERVICES, INC.,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Joshua C. Drewitz of Seyfarth Shaw LLP, Washington, DC; and Robert F. Pezzimenti, Associate General Counsel of Lockheed Martin IS&GS Civil, Rockville, MD, counsel for Appellant.

Jonathan A. Baker and Robyn A. Littman, Office of the General Counsel, Department of Health and Human Services, Washington, DC, counsel for Respondent.

Before Board Judges **BORWICK**, **HYATT**, and **DRUMMOND**.

BORWICK, Board Judge.

This matter involves a claim for additional costs incurred by appellant as a result of incorporation of the Service Contract Act into task order HHSP233200900001, awarded under blanket purchase agreement HHSP233200530018B. Pursuant to Board Rule 25(b), the parties have submitted a joint settlement stipulation and a request for a stipulated award in which respondent agrees to pay appellant the sum of one million dollars (\$1,000,000) inclusive of interest and attorney fees in exchange for a release of claims. The parties stipulate that they will not seek reconsideration or relief from the decision and that they will not appeal the decision. The Board's decision is an adjudication of the case on the merits.

Decision

Pursuant to the stipulation and the request of the parties, the Board adopts the stipulation by decision. The Board **GRANTS** the appeal **IN PART** and awards appellant \$1,000,000, inclusive of interest and attorney fees, to be paid from the permanent indefinite judgment fund. 31 U.S.C. § 1304; 41 U.S.C. § 7108 (as codified by Pub. L. No. 111-350, 124 Stat. 3677, 3816 (2011)).

ANTHONY S. BORWICK
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

JEROME M. DRUMMOND
Board Judge